

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

This document relates to: *Continental Casualty Co. et al. v. Al Qaeda Islamic Army*, 04-CV-5970 (GPD)

**DECLARATION IN SUPPORT OF REQUEST FOR
ISSUANCE OF CLERK'S CERTIFICATE OF DEFAULT AGAINST
DEFENDANT ISLAMIC REPUBLIC OF IRAN**

ROBERT M. KAPLAN, under penalty of perjury under the laws of the United States of America, declares as follows:

1. I am an attorney at law, admitted to practice before this Court and a member of Ferber Chan Essner & Coller, LLP, attorneys for the plaintiffs in *Continental Casualty Co. et al. v. Al Qaeda Islamic Army*, 04-CV-5970 (the “Continental Plaintiffs”). I have personal knowledge of the facts set forth below.

2. Pursuant to Local Civil Rule 55.1 of this Court, I submit this declaration in support of the Continental Plaintiffs' application for the issuance of a Clerk's Certificate of Default against defendant Islamic Republic of Iran ("Iran").

3. This is an action to recover damages owed by Iran to the Continental Plaintiffs for damages resulting from the September 11, 2001 terrorist attacks upon the United States. Iran has been sued based upon its provision of material support to al Qaeda and direct support for, and sponsorship of, the September 11th attacks.

4. Jurisdiction of this Court over Iran is invoked pursuant to 28 U.S.C. §1330

as the claims against Iran fall within the exceptions to immunity set forth at 28 U.S.C. §§ 1605(a)(5) and 1605A of the Foreign Sovereign Immunities Act ("FSIA").

5. This action was commenced on September 1, 2004 by the filing of a summons and complaint (04-CV-5970, docket no. 1). The Continental Plaintiffs thereafter filed a First Amended Complaint on December 8, 2004 (04-CV-5970, docket no. 4) which was served in accordance with FSIA on Iran through diplomatic channels by the United States Department of State on June 8, 2005.

6. Service on Iran was effectuated pursuant to the FSIA by sending the amended complaint, summons and notice of suit to J. Michael McMahon, Clerk of this Court, who forwarded these documents to the U.S. Department of State. The Department of State transmitted these documents to the Foreign Interests Section of the Embassy of Switzerland in Teheran, Iran which delivered those documents to the Iranian Ministry of Foreign Affairs on June 8, 2005. On August 24, 2016, the Continental Plaintiffs filed a declaration of service upon Iran together with evidence of the service of those documents upon Iran (04-CV-5970, docket no. 540). Copies of the declaration of service and the supporting documents are attached as Exhibit A.

7. Iran has not answered or otherwise responded to the amended complaint and the time for Iran to answer or otherwise respond to the amended complaint has expired.

8. Iran is not an infant, in military service or an incompetent person.

9. The Continental Plaintiffs therefore respectfully request a Clerk's Certificate of Default, attached hereto as Exhibit B, to provide to District Judge George B. Daniels in connection with a Motion for a Default Judgment pursuant to F.R.C.P. 55.

Dated: New York, New York
September 26, 2016



ROBERT M. KAPLAN